

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:12-CV-499-MHS
	§	LEAD CASE
CLEAR CHANNEL BROADCASTING, INC.,	§	
	§	Case No. 6:12-CV-595-MHS
Defendant.	§	CONSOLIDATED CASE
	§	
	§	ORAL ARGUMENT REQUESTED
	§	JURY TRIAL DEMANDED

**DECLARATION OF RYAN K. YAGURA IN SUPPORT OF
DEFENDANT CLEAR CHANNEL'S MOTION TO TRANSFER VENUE
TO THE SOUTHERN DISTRICT OF NEW YORK**

I, Ryan K. Yagura, declare and state as follows:

1. I am an attorney licensed to practice law in the State of Texas and am a partner at the law firm of O'Melveny & Myers LLP , attorneys for Defendant Clear Channel Broadcasting, Inc. All of the facts set forth herein are known to me personally, and if called as a witness, I could and would testify competently thereto.

2. My associate Sarah Pfeiffer conducted a meet and confer with counsel for Blue Spike, LLC, Kirk Anderson, on February 4, 2014, by telephone. The parties reached an impasse.

3. Attached hereto as Exhibit 1 is a true and correct copy of the business organization information for Blue Spike, LLC, from the Texas Secretary of State, printed on January 29, 2014.

4. Attached hereto as Exhibit 2 is a true and correct copy of the patent assignment details for U.S. Patents Nos. 7,346,472, 7,660,700, 7,949,494, 8,214,175, and U.S. Patent

Application No. US2012/0239686, from the United States Patent and Trademark Office, showing that the assignment was executed by Blue Spike, Inc., on August 4, 2012.

5. Attached hereto as Exhibit 3 is a true and correct copy of the business entity information from the Florida Department of State for Blue Spike, Inc., printed on January 29, 2014.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the file histories of U.S. Patents Nos. 7,346,472, 7,660,700, 7,949,494, 8,214,175 (“the Asserted Patents”).

7. Attached hereto as Exhibit 5 is a true and correct copy of a declaration by Scott Moskowitz filed at Dkt. 1002-2, on September 26, 2013.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Chilton Grand Bed and Breakfast’s website at chiltongrand.com, last visited on January 29, 2014.

9. Attached hereto as Exhibit 7 is a true and correct copy of a print-out of Scott Moskowitz’s LinkedIn profile, last visited January 29, 2014.

10. Attached hereto as Exhibit 8 is a true and correct copy of the LexisNexis motor vehicle registration search for Scott Moskowitz, containing one result for a Florida Motor Vehicle Registration, printed on January 30, 2014.

11. Attached hereto as Exhibit 9 is a true and correct copy of the “Contact Us” page from Blue Spike’s website, last visited on January 28, 2014.

12. Attached hereto as Exhibit 10 is a true and correct copy of the business entity information from the Florida Department of State for Wistaria Trading, Inc., and Canopus Medical, LLC, printed on January 29, 2014.

13. Attached hereto as Exhibit 11 is a true and correct copy of an Information Disclosure Statement submitted by the applicants during the prosecution of the application that issued as U.S. Patent No. 7,346,472, and the covers of the highlighted prior art patents.

14. Attached hereto as Exhibit 12 is a true and correct copy of a print-out from the Texas Department of Motor Vehicles website at www.txdmv.gov/motorists/new-to-texas, last visited on January 30, 2014.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Google Maps driving directions from 445 Hamilton Ave., White Plains, NY 10601 to 211 W. Ferguson St., Tyler TX 75701, printed on January 28, 2014.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Google Maps driving directions from 445 Hamilton Ave., White Plains, NY 10601 to the Southern District of New York's courthouses in White Plains and New York City.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Google Maps driving directions from the office of the prosecuting attorney associated with some of the applications that issued as the Asserted Patents (as shown in Exhibit 4 above) to the federal courthouses in Tyler, Texas, and in White Plains, New York.

18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of Table C-7, demonstrating the number of intellectual property cases filed and pending in U.S. district courts, from www.uscourts.gov/uscourts/Statistics/JudicialBusiness/2012/appendices/C07Sep12.pdf, last visited January 30, 2014.

19. Attached hereto as Exhibit 17 is a true and correct copy of a listing of U.S. District Judges for the Southern District of New York from www.nysd.uscourts.gov/judges/District, last visited on January 29, 2014.

20. Attached hereto as Exhibit 18 is a true and correct copy of a listing of U.S. District Judges for the Eastern District of Texas from www.txed.uscourts.gov/page1.shtml?location=info, last visited January 29, 2014.

21. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of Table C-3 showing civil cases by district, from www.uscourts.gov/Statistics/FederalJudicialCaseloadStatistics/2013/tables/C03Mar13.pdf, last visited January 31, 2014.

22. Attached hereto as Exhibit 20 is a true and correct copy of *Geotag v. Zoosk, Inc.*, Case No. 2:11-cv-403, Dkt. 114 (E.D. Tex. Jan. 14, 2013).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This Declaration is executed this 5th day of February, 2014, at Los Angeles, California.

/s/ Ryan K. Yagura
Ryan K. Yagura